

Remarks/Arguments:

The pending claims are 42-58.

Claims 42-58 have been rejected under 35 U.S.C. § 102(b) as anticipated by Berger et al. (U.S. Patent No. 5,948,057). The rejection is respectfully traversed.

Claim 42 recites, in part:

(f) placing the duplicate of the created at least second audio/video message on the server in a temporally independent pseudo-chronology relative to the duplicate of the created first audio/video message, a position of the duplicate of the created at least second audio/video message in the pseudo-chronology being determined by a user of the second workstation.

Page 4 of the Office Action contends that Berger discloses these features. Applicant respectfully disagrees.

Applicant's specification explains that a "pseudo-chronology" is "pseudo-chronological order in pseudo-real time, simulating a synchronous network discussion." (page 31, lines 2-3). The system "creates a pseudo-chronological order for comments, regardless of when they are actually added to the discussion." (page 32, lines 7-8). In other words, "[c]omments can also be added to the discussion out of chronological sequence, permitting elaboration on points made earlier in the conversation at a later time." (page 32, lines 11-13). The specification differentiates between a pseudo-chronology and a real-time sequence:

organizing the sequence of playback. . .in ways other than chronological sequence. . .while still maintaining the pseudo-chronology and the actual real-time sequence of posting of messages. (page 32, lines 17-21).

Because the "pseudo-chronology does not have to correspond to the actual order in which comments are recorded and transmitted" (page 74, line 32-page 75, line 2) a discussion structure can be stored in a pseudo-chronological order. (page 2, lines 1-3). See also, Fig. 2 and page 34, lines 10-23 for an illustration of the difference between an actual chronology and a pseudo-chronology. As a result, the method "organize[s], archive[s], and play[s] back comments of individual participates in a pseudo-chronological order." (page 31, lines 1-2).

Fields 122 and 124, shown in Fig. 5, for example, "are used to set up the A/V comments in the pseudo-chronological form." (page 43, line 22-page 44, line 1). "[T]hese fields force the A/V comments into pseudo-chronological time, rather than allow the comments to be listed in real time chronological order." (page 44, lines 10-12). The server updates the

pseudo-chronology by retrieving information from remote workstations. (page 48, lines 15-17). At the end of the retrieval process, the server contains the proper pseudo-chronology and any other updates that may be present in the workstation. As each workstation logs onto the collaboration system, the server is updated in a new pseudo-chronology with the updated information from each workstation. (page 57, lines 12-17)

New entries can inserted into the pseudo-chronology when a workstation user selects a message at any location in the pseudo-chronology and clicks on the "Reply" button. (page 64, lines 5-15). As the example shown in Fig. 16(h) illustrates, the process allows, for example, a message D to be created and inserted into a pseudo-chronology between messages A and B. (page 66, lines 12-15). As a result, an exemplary pseudo-chronology is created: messages A, D, B, C. (page 66, lines 20-23). This process "allows a user to place a message at any prior time in the collaborative discussion. . .[and] allows a user to append a message to the end of the discussion." (page 67, lines 3-5) (emphasis added). That is, "[w]henever a user selects a message. . .and clicks on the "Reply" button to record a new message, the new message is inserted in the pseudo-chronology after the selected message." (page 75, lines 2-5). (emphasis added).

The above summary defines, for purposes of claim 42, the phrase "temporally independent pseudo-chronology" and "a position of the duplicate of the created at least second audio/video message in the pseudo-chronology being determined by a user of the second workstation." (emphasis added). These features of claim 42 are in furtherance of claim 42's "method of modifying on a server an order of audio/video messages created by" workstation users.

The object of Berger, and therefore the operation of Berger's methodology, is fundamentally different from at least the recited step in claim 42. Berger does not modify an order of audio/video messages created by workstation users, does not permit the creation of a pseudo-chronology, and does not allow a workstation user to create or modify a pseudo-chronology. Instead, Berger provides a "method for computer-supported matching of a number of independent data copies of a data file stored in at least one computer" and reducing the amount of calculating time for doing so. (col. 3, lines 2-6). In addition, instead of accepting a user's decision to modify data in a manner decided by that user, Berger requires all system users to agree to changes. (col. 3, lines 45-46; col. 7, lines 27-47). In Berger, if users who have independently made inconsistent changes in a data set can agree upon a single data organization, that agreement is then provided as update copies to all users.

That is, if they agree, "then the proposal is implemented. . .in the form of a change in the data file and all connected data copies." (col. 7, lines 39-41). See also, col. 8, lines 62-67 regarding the requirement that all users agree.

When the users agree on changes to be made to the data, the requisite changes are transmitted to all other computers "in the same chronological sequence as the implemented changes." (col. 5, lines 63-65). Accordingly, the chronological sequence of changes is explicitly defined as fixed and cannot be altered by the user and no pseudo-chronology is created. Thus, users in Berger cannot form a pseudo-chronology of operations under their own individual control.

Berger describes a fixed chronology of changes, not a pseudo-chronology in which the appearance of data objects is freely determined by the creator of the data object. The protocol files in Berger are chronologically organized by the nature of their creation and are inflexible as to temporal organization. For example, Berger states that "[a] hierarchic structure of the datasets in the data bank is presumed for this embodiment." (col. 4, lines 13-14). All of Berger's operations are represented in fixed positions, whereas Applicant's method can change positions by creating and/or modifying a pseudo-chronology.

Berger also states:

Upon implementation of the matching of the data copies, the proposals are first determined on the basis of entire information spaces and, respectively proceeding from the root, then ensue progressing hierarchically to the so-called leave of the data tree.

(col. 4, lines 15-19). This fixed hierarchical sequence progression from root to leaves can succeed only if the order of individual changes to data files is fixed in time. Otherwise, if changes made at a later time could be inserted into the data structure at an earlier pseudo-time (as in claim 42), there would be a logical contradiction that would violate the hierarchical data structure fundamental to the Berger method.

Accordingly, Figs. 6 and 7 of Berger do not support the idea of the creation of a pseudo-chronology. What is described are independent, but temporally fixed and sequentially organized chronologies of changes created by two or more different users. The tree structure described in Berger's figures is not malleable as to time sequence of operations and is not under the control of the workstation user. Berger's chronology is a real chronology. There is nothing "pseudo" about it, since it cannot be created or modified by a user.

For at least all of the above reasons, claim 42 and dependent claims 43, 44 are not subject to rejection under 35 U.S.C. § 102(b) as anticipated by Berger.

Independent claims 45, 50, and 52 have similar recitations. See claim 45, paragraph (d); claim 50, paragraph (c); and claim 52, paragraph (c). These claims, and their dependent claims 46-49, 51, and 52-53 are therefore not subject to the same rejection for at least the same reasons that claim 42 is not subject to the rejection.

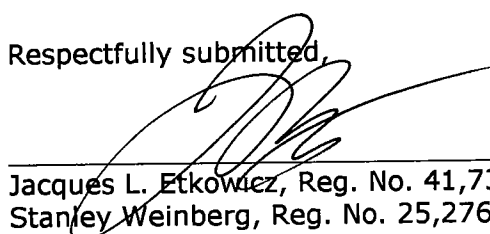
Claim 54, paragraph (d) contains a similar concept, but recited in a different manner. It recites:

placing the at least second audio/video message on the workstation in a temporally independent pseudo-chronology relative to the first audio/video message, the temporally independent pseudo-chronology being determined when the at least second audio/video message is placed on the workstation.

In this claim, the pseudo-chronology is "determined when the at least second audio/video message is placed on the workstation." In Berger, in contrast, the nature of a revised dataset is not determined when a proposed revision is placed on a workstation because it must first undergo a review process and possible changes by other users. For at least these reasons, therefore, claims 54-58 are not subject to the same rejection.

For all of the above reasons, Applicant submits that claims 42-58 are now in condition for allowance and such action is respectfully requested.

Respectfully submitted,



Jacques L. Etkowicz, Reg. No. 41,738
Stanley Weinberg, Reg. No. 25,276
Attorneys for Applicant

JLE/SW/dhm

Dated: June 24, 2009

<input checked="" type="checkbox"/> P.O. Box 980 Valley Forge, PA 19482 (610) 407-0700
--

Appln. No.: 10/750,605
Amendment Dated June 24, 2009
Reply to Final Office Action of April 8, 2009

RPI-123US

The Director is hereby authorized to charge or credit Deposit Account No. **18-0350** for any additional fees, or any underpayment or credit for overpayment in connection herewith.